

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY
PATENT LITIGATION

MDL NO. 1592

This Document Relates To All Actions.

**ASSENTED-TO MOTION FOR LEAVE TO FILE A JOINT SURREPLY IN
OPPOSITION TO COLUMBIA UNIVERSITY'S MOTION TO STAY LITIGATION
PENDING CONCLUSION OF REEXAMINATION AND REISSUE PROCEEDINGS
IN THE PATENT AND TRADEMARK OFFICE SUBMITTED ON BEHALF OF
GENENTECH, INC., BIOGEN IDEC MA INC., GENZYME CORPORATION, ABBOTT
BIORESEARCH CENTER, INC., IMMUNEX CORPORATION, AMGEN INC.,
WYETH, AND GENETICS INSTITUTE LLC**

Pursuant to Local Rule 7.1(B)(3), Plaintiffs Genentech, Inc., Biogen Idec MA Inc., Genzyme Corporation, Abbott Bioresearch Center, Inc., Immunex Corporation, Amgen Inc., Wyeth, and Genetics Institute LLC hereby request leave of the Court to file the Joint Surreply in Opposition to Columbia University's Motion to Stay Litigation Pending Conclusion of Reexamination and Reissue Proceedings in the Patent and Trademark Office, filed herewith. As grounds for this Motion, Plaintiffs state that its Surreply is necessary because defendant Columbia University ("Columbia") did not disclose the content of its application for reissue of U.S. Patent No. 6,455,275, upon which Columbia based its stay motion, until *after* Plaintiffs filed their Joint Opposition to Columbia University's Motion to Stay Litigation. Plaintiffs believe that consideration of their Joint Surreply will be helpful to the Court in resolving the pending Motion to Stay Litigation.

Respectfully submitted,

Date: June 21, 2004

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Certification of Counsel

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for Plaintiffs conferred with counsel for Columbia University on this motion and that counsel for Columbia University assented to this motion.

/s/ Claire Laporte